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ATTORNEYS FOR DEFENDANT - Phoenix Mecano, Inc. and Dewert Motorized Systems

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DR. MILTON PRYSTOWSKY, in his own
right and as EXECUTOR OF THE ESTATE
OF ROSE PRYSTOWSKY

Plaintiff

v.

TGC STORES, INC., ADT SECURITY
SERVICES, INC., INVACARE
CORPORATION, GOLDEN BROTHERS,
INC. d/b/a GOLDEN TECHNOLOGIES,
PRIDE MOBILITY PRODUCTS CORP. and
JOHN DOES 4-10

Defendants/
Third Party Plaintiffs

v.

PHOENIX MECANO, INC., DEWERT
MOTORIZED SYSTEMS and KINGSTEC
INDUSTRIES, INC.

Third Party Defendants

CIVIL ACTION NO.: 2:07-cv-72-SDW-MCA

Civil Action

**ANSWER TO THIRD PARTY CO-DEFENDANT
KINGSTEC INDUSTRIES INC.'S CROSSCLAIMS
AND COUNTERCLAIMS**

**THIRD PARTY DEFENDANTS PHOENIX MECANO, INC. AND DEWERT MOTORIZED
SYSTEM'S ANSWER TO THIRD PARTY CO-DEFENDANT KINGSTEC INDUSTRIES INC.'S
CROSS CLAIMS**

Defendants Phoenix Mecano, Inc. and Dewert Motorized Systems (collectively "PMI") by and through their undersigned attorneys, hereby Answers the Cross-Claims of Third Party Defendant, Kingstec Industries, Inc. ("Kingstec"), as follows:

AS AND FOR AN ANSWER TO THE CROSSCLAIM AND COUNTERCLAIM FOR

CONTRIBUTION

PMI denies the truth of each and every allegation contained in Kingstec's Crossclaim and Counterclaim for Contribution as they relate to PMI and denies knowledge or information sufficient to form a belief as to the truth of the allegations insofar as they relate to the other defendants.

AS AND FOR AN ANSWER TO THE CROSSCLAIM AND COUNTERCLAIM FOR

CONTRACTUAL AND COMMON LAW INDEMNIFICATION

PMI denies the truth of each and every allegation contained in Kingstec's Crossclaim for Contractual and Common Law Indemnification as they relate to PMI and denies knowledge or information sufficient to form a belief as to the truth of the allegations insofar as they relate to the other defendants.

AS AND FOR AN ANSWER TO THE COUNTERCLAIM FOR CONTRACTUAL AND

COMMON LAW INDEMNIFICATION

PMI denies the truth of each and every allegation contained in Kingstec's Counterclaim for Contractual and Common Law Indemnification as they relate to PMI and denies knowledge or information sufficient to form a belief as to the truth of the allegations insofar as they relate to the other defendants.

AFFIRMATIVE DEFENSES

1. Kingstec's Cross Claims and Counterclaims fail to state a claim upon which relief may be granted.
2. The Court may lack jurisdiction over the subject matter of Kingstec's Cross Claims and Counterclaims.
3. Venue may be improper in this Court under the doctrine of forum non-conveniens.
4. Kingstec's Cross Claims and Counterclaims are barred by laches.
5. Kingstec's Cross Claims and Counterclaims are barred by the applicable statute of limitations.

WHEREFORE, Defendants Phoenix Mecano, Inc. and Dewert Motorized Systems respectfully requests that this Court dismiss with prejudice Third Party Co-Defendant Kingstec's Cross-Claims and Counterclaims, and award costs incurred herein, and grant such other and further relief as justice may require.

By: /s/ Matthew S. Schorr, Esq.
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DATED: November 9, 2009

I HEREBY CERTIFY that on this 9th day of November, 2009, a copy of the foregoing paper was served by ECF to all counsel of record.

DATED: November 9, 2009